Sectt. II-27—45,006—19-10-39.

PW (1941) Department.

Ms SERIES.

G.O. No. 2045

Dated 21-8-1941

M

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[Despatch Abstract.]

FERRIES - South Kanara - Canals and Public Ferries Act, 1890 - Section 9 - ap plication - Orders.

C.F. 31—12,006—28-11-39

R e v e n u e - **DEPARTMENT.**

CURRENT No.

*Received* 19 *Registered* 28 JUL 1941 19

*Subject.*

Ferries - (South Kanara) - Canals and Public Ferries Act, 1890 -

Application of Section 9 of the Act - Instructions - Requested -

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Reference-No.A-2477/41.1,

*Station* M a d r a s, *Dated the* 24th J u l y 1941.

From S.Y.Krishnaswami, Esquire, I.C.S.,

Joint Secretary,

Board of Revenue.

G.W,Priestley, Esquire, I.C.S., Commissioner of Land Revenue and Irrigation.

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Read the following papers:-

Letter from M.V.Subrahmanyan, Esquire, I.C.S., Collector of South Kanara, D.Dis.No.4397/41, dated the 5th July 1941.

Refce.- From the President, District Board, South Kanara, Refce.No.C-2-14203/40 dated the 23rd June 1941.

I submit herewith the above letter of the President District Board, South Kanara addressed to the Secretary to - Government in the Public Works Department through the Collector and the Board of Revenue for favour of a ruling in regard to the levy of tolls from persons who bring boats at the ferry loaded with merchandise.

2. I cannot agree with the President, District Board, -- South Kanara. The renter has only the exclusive right of ferrying at the notified ferry. Action of the kind mentioned by other persons is not unauthorized use of the 'ferry' by them (under Section 9 of the Act) or establishing or working a ferry (under Section 18 of the Act). The renter can have no claim whatsoever to levy tolls in such cases. Whether action would be necessary under Section 6(b) and (c) is an entirely different matter. The present proposal put forward on behalf of - ferry renters would constitute a clear encroachment on public rights and is unjustified. I consider that the proposal -- should be rejected.

- - - -

Letter from Sri K.Vittal Shetty, President, District Board, South Kanara, Ref.No.C-2-14203/40 dated the 23rd June 1941



Under

Under Section 9 of the Canals and Public Ferries Act 1890, it is unlawful for any person not duly authorised to convey goods, animals or passengers by means of vessels across a channel within such limits after a ferry is notified. This section as it stands prohibits any person other than a renter or a lessee to convey passengers, goods etc., across the ferry within its limits in their private boats and it also precluded such unauthorised - persons to levy tolls within the ferry limits.

2. This section does not speak of cases where persons convey goods in private boats from a point outside the ferry limits but land them either at the jetty at one of the points within the limits of the ferry without actually crossing a channel. Ferry renters have been complaining that in fair season cart-loads of timber, tiles, rice, cocknuts and other kinds of goods are conveyed in private boats from a point outside the ferry limits and landed at the ferry site very often causing inconvenience to the persons and vehicles crossing the ferry not to speak of the damage done to the ferry approaches by the loading and the unloading of heavy goods,. Similarly goods are brought and heaped at the ferry site and conveyed to points outside the ferry limits. In my considered opinion renters are entitled to levy tolls on all imported and exported goods which touch the ferry site. I request that - Government may be pleased to give their ruling in the matter for the guidance of the Board.

- - - -

REFERENCE.

Submitted to the Government.

2. The Board agrees with the Collector.

3. Section 9, which declares it unlawful for any person not duly authorised to convey goods or passengers across a channel within the limits notified, will not apply to the cases referred to by the President.

N. Ayyaswami
for Joint Secretary. 26/7/41

To the Secretary to Government, Public Works Department.

:-:

c.n.n./25-7-1941 D 2517

3/

C.F. 30.

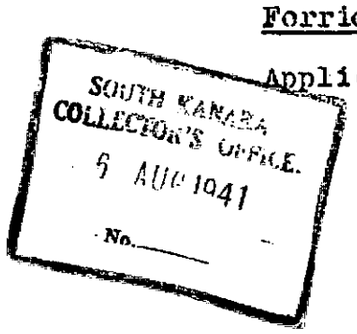
DEPARTMENT.

*Received* ..... 19 *Registered* ..... 19

*Subject.*

Ferries - Canals & Public Ferries Act 1890 -

Application of section 9 - Instructions - requested.




ENCLOSURES.

No. .....

.....

Spare copies .....

Ref: No. C2- 14203/40.

*Station* Mangalore, *Dated the* 26th July 19 41.

From (Name) Sri A.Laxminarayana Rao, B.A.,B.L.,

(Designation) Vice President,District Board, S.Kanara, in charge under section 23(2) of the M.L.B.Act:

To The Secretary to the Government of Madras,

Public Works .. Department.

Through The Collector of South Kanara.

Madras:

Sir,

PP 1-8-41 Ref:- This office Ref.C2 - 14203/40 dated 23-6-40.

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I request that Government may be pleased to issue early orders on this office reference quoted above.

5.8.41

Vice President Dt.Board in charge:

DJK/31:7.41:

2/8/41

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X·P·D·
3003
AUG 1941
OFFICE MADRAS

Submitted to the Secretary to the Board of Revenue and Irrigation, Madras.

2. The report referred to by the President, District Board, South Kanara, was submitted to the Board in this Office D. Dis 4397-41 dated 26-7-1941.

Mangalore
6 8 41

Collector

6/8/41

A.S (L.R.)

D3
19 AUG 1941
2396
PUBLIC WORKS DEPT.

N. Ref. 2477/41 D

Submitted to the Govt. in continuation of Board's Reference No A 2477/41-1 D 24.7.41

9.8.41 9/8/41

To

The Secretary to Govt. P.W.D.

11/8
P.W.D

The main file on the subject was sent to L.A.D with a draft order with Dev. no. P 2257 D/41-2 D 12.8.41. This may be added to the main file on receipt.

orders will be issued shortly & a copy of the P.D.B. is necessary now.

12/8
12/8

12/8

5

P.W.D

Ferries – South Kanara – Canals and Public Ferries Act, 1890 Applicability of Section 9 – Instructions

cf C No 2257D/41 From the Board of Rev. No. A. 2477/41-1 dt. 24/7/41

To US

Please see the recommendation of the Board of Rev in para 3 and p 2 of The remarks of Legal may be minded to

IDS 29/7 29/7 S 30/7/41

PW no 2257D/41-1 Legal
2.8.41

ASSISTANT SECRETARY
4924
- 2 AUG 1941
LEGAL DEPARTMENT

AS1

Legal Department

The facts are not quite clear. Apparently, the acts complained of are (a) that boats coming from a distance along the channel land goods at either bank within the limits notified for the ferry, and (b) that goods are stacked on either bank within the notified limits (and then) loaded into boats for conveyance along the channel to destinations situated at a distance These acts cannot be said to contravene the provision in section 9. The view expressed on this point by the Collector and the Board of Revenue may be accepted as correct.

ppd 2, cf

2- b/

9b

As pointed out by the Collector, the best way of dealing with the question (if necessary) seems to be by taking action under section 6 (b) and (c) of the Act.

K.M
5/8/41

M, p.1, Cf.
The proposal and recommendation of the Collector under section 6(a) & (b) of the Land Acquisition Act appear to be in order.
5/8/41

I agree with the views expressed by the Collector & the Board of Revenue, namely that action should be taken under section 6 of the Land Acquisition Act.

5/8/41

PWD

Legal 4924-1
6/8/41

PWD

A draft order is submitted for approval. L.A.D may see before issue.

D2356
-8 AUG1941
PUBLIC WORKS DEPT.

9/8 9/8

12 8 41.

SA
23006
P.W. no 2257 D/41-2
12-8-41

L.A.

L.A. Deptt.

Please see para 3 of Bd of Revenue's recommendation at p 2 ante and the remarks of the Legal Dept at p 1 above.

The case may be perused and returned to P.W.D. no.

ASST. SECRETARY T...
D
19 AUG1941
2479
PUBLIC WORKS DEPT.

13-8 14/8

Ltr no 23026-1B.
Dt. 19.8.41.

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C.F. 16.

31/x/18

Date. Initials.

**DRAFT FOR APPROVAL.**

pwD

When received for fair copying ..

When copied ..

When examined..

When signed ..

When despatched. Rec'd for despatch 2-x-18 - 8

SUBJECT:— ~~South Kanara~~ Ferries - South Kanara - Canals and Public Ferries Act, 1890 - Section 9 - application ~~to certain~~ cases - orders. ~~passed~~

READ AGAIN ....., dated ..... 19

" " ..... " ..... 19

READ *ALSO*:—

No. 2257D/41 From the P.D.B. South Kanara Ref C-2 No. 4203/40, dated 23.6.1941

" ..... " Collector of South Kanara, No. 4397/41, dated 5.7.1941

" ..... " Board of Revenue, Ref A.2477/41-4, dated 24.7.1941

**Order** ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. 2045, dated 21-8- 1941

Vide para 2 of Board's report, and p 2 C

To the P.D.B., South Kanara
thro' the L.A. Dept.
Collector of South Kanara
Board of Rev

The P.D.B., South Kanara is informed that section 9 of the Canals and Public Ferries Act, 1890, which declares it unlawful for any person not duly authorised to convey goods or passengers across a channel within the limits notified, will not apply to the cases referred to ~~by~~ the President in the letter read above.

TDS 9/8 WWD 9/8

11/6

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